

# Court of Appeals, State of Michigan

## ORDER

West Michigan Mechanical Inc v West Michigan Mechanical Service

Docket No. 276613

LC No. 06-054696-CZ

Bill Schuette  
Presiding Judge

Richard A. Bandstra

Patrick M. Meter  
Judges

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The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED. In addition to the dismissal order it must be noted that MCR 2.403, MCR 2.405, and MCR 2.625 all involve attorney fees and costs incurred prior to entry of the MCR 7.202(6)(a)(i) final order. Pursuant to the principle of *ejus generic* when a nonspecific phrase follows specific examples, the unnamed must be of the same nature as the specifically named items. That means the "other law or court rule" must involve attorney fees and costs incurred prior to entry of the MCR 7.202(6)(a)(i) final order. Examples would include attorney fees and costs under the Elliott-Larson Act, Open Meetings Act, Freedom of Information Act, and MCR 2.114(F). The Court finds that that the Supreme Court order in *Williams v AAA Michigan*, 477 Mich 855 (2006) is not applicable because it does not discuss the meaning of the phrase "under MCR 2.403, MCR 2.405, MCR 2.625 or other law or court rule." Thus, the reasoning is not explicit enough, nor can it be sufficiently understood to constitute controlling authority. See *Mullins v St Joseph Hospital*, 271 Mich App 503, 507-508 (2006).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY - 9 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk